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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1324 (2000) of 30 October 2000, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 28 February 2001 and requested me to provide an assessment of the situation before the end of that mandate. The Security Council acted in the expectation that the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO), would continue to try to resolve the multiple problems relating to the implementation of the settlement plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara. The present report covers developments since my previous report to the Council, dated 25 October 2000 (S/2000/1029).

II. Developments during the reporting period

A. Activities of the Personal Envoy of the Secretary-General

2. During the reporting period, my Personal Envoy, James A. Baker III, was required to undertake duties in relation to the presidential elections held in the United States of America. He was therefore not able to dedicate the time and effort necessary to fully follow up to see if the Government of Morocco, as administrative Power in Western Sahara, was prepared to offer or support some devolution of authority for all inhabitants and former inhabitants of the Territory that was genuine, substantial and in keeping with international norms. My Personal Envoy has recently informed me that he is now able to fully re-engage in trying to assist the parties in finding an early, durable and agreed resolution to their dispute over Western Sahara.

B. The 2001 Paris-Dakar rally

3. The planned crossing, in early January 2001, of the Paris-Dakar rally into Western Sahara contributed to a marked increase in tensions between the parties, the repercussions of which are still being felt. On several previous occasions, most recently in 1999, the rally had crossed Western Sahara, with prior consultations by the organizers with the two parties. On that occasion, only Morocco was contacted for the rally's permission to cross the Territory. Given its dissatisfaction over the continuing deadlock in the implementation of the United Nations settlement plan, in a communiqué issued on 22 December 2000 and in subsequent statements, the Frente POLISARIO indicated that the passage of the rally through the Territory would constitute a violation of the ceasefire. It warned that it would no longer consider itself bound by the ceasefire and would resume its military activities, in self-defence, on the day the rally entered the Territory. Moroccan Government officials vowed that, in such an eventuality, the Kingdom would take all necessary defensive measures.

4. As the 7 January 2001 date of the rally crossing into Western Sahara drew nearer, both sides resorted to stronger statements, and the possibility of an outbreak

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of hostilities appeared increasingly serious. MINURSO military observers reported indications of a partial mobilization and extensive military movements of Frente POLISARIO units. Later contacts by the rally organizers with the Frente POLISARIO representative in Paris did not help to redress the situation. In order to discuss the deteriorating situation and urge restraint, my Special Representative, William Eagleton, met with the Frente POLISARIO Coordinator with MINURSO, Emhamed Khaddad, in Tindouf on 4 January. While pledging to continue to cooperate with MINURSO, Mr. Khaddad called the rally a provocation by Morocco and the organizers, and warned again that the ceasefire would end if the rally crossed into Western Sahara.

5. In a statement issued on 5 January 2001, my Special Representative emphasized that passage of the rally did not imply recognition of sovereignty over a Territory whose final status remained to be determined. He stated that military action by either party would constitute a gross violation of the ceasefire and appealed for utmost restraint by all concerned. Several Governments made similar appeals to both parties.

6. On the day the rally crossed into the Territory, on 7 January 2001, a brief communiqué was issued by the Frente POLISARIO, stating that the rally crossing constituted a flagrant breach of the ceasefire, for which it held Morocco responsible. It added, however, that following appeals by the presidency of the Organization of African Unity (OAU), friendly countries, including Algeria, as well as the United States of America, the Frente POLISARIO had decided to suspend its decision regarding the resumption of military activities.

7. Although that decision averted the immediate threat to peace in the area, it did not restore the situation to where it had been before the rally. The rally and its aftermath have increased animosity between the parties and seriously raised tensions in the area.

C. Appeals process

8. The Identification Commission continued its work on files consolidation and data quality control, with particular attention to preparations for the technical review of the appeals admissibility and for the appeal hearings on substance. The Commission had received a total of 131,038 appeals, following the issuance of the first part of the provisional voter list in July 1999 (containing the names of 84,251 applicants identified as eligible to vote, out of 144,369 interviewed by the Commission) and of the second part of the list in January 2000 (containing the names of 2,161 eligible applicants, out of 51,220 interviewed). The numerical breakdown and geographical distribution of these appeals are provided in annex I to the present report.

9. The overwhelming majority of the appeals filed (115,645) are against exclusion from the provisional voter list, with most of them (108,708) falling under article 9.1(iii) of the Appeals Procedures (that is, applicants rejected by the Identification Commission who are bringing new evidence). Most of those appellants have listed one or two witnesses to support their claims, with only limited documentary evidence, especially as regards appellants from tribal groupings H41, H61 and J51/52. The remaining appeals received are subdivided as follows: 1,260 appellants are claiming that the Commission failed to convoke or to identify them, under article 9.1(i) of the appeals procedures; 5,079 appellants have claimed force majeure, under article 9.1(ii) of the Appeals Procedures; while 643 appellants not identified claim to be on the 1991 revised census list. The final category of appellants (15,393 persons), includes those who are contesting the inclusion of other persons on the provisional voter list, under article 9.2 of the Appeals Procedures.

10. Regarding potential additional appellants, the Government of Morocco estimates that those who reached 18 years of age after 31 December 1993 may number about 30,000, while the Frente POLISARIO believes that their total number may not exceed 11,000, including 5,000 in Tindouf.

11. I wish once again to acknowledge the close cooperation received from OAU in the United Nations effort to resolve the dispute in Western Sahara and to express my appreciation for the contribution made by the OAU observer delegation to MINURSO, led by the OAU Senior Representative, Ambassador Yilma Tadesse (Ethiopia).

D. Prisoners of war

12. In my report of 25 October 2000 (S/2000/1029), I joined the International Committee of the Red Cross (ICRC) in urging the repatriation, on humanitarian

grounds, of all the remaining Moroccan prisoners of war held by the Frente POLISARIO. On 14 December, 201 of the prisoners, more than half of whom had been held for more than 20 years, were repatriated in a flight from Tindouf (Algeria) to Agadir (Morocco), under the auspices of ICRC. In the wake of this positive development, which was achieved with the cooperation of Algeria and the Frente POLISARIO, I once again join ICRC in calling for the early repatriation of the remaining 1,481 prisoners of war, many of whom are in poor health after a very long detention.

E. Military aspects

13. As of 16 February 2001, the strength of the military component of MINURSO stood 230 military personnel (see annex II). Under the command of General Claude Buze (Belgium), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which came into effect on 6 September 1991. With the end of the hot season last year, both the Royal Moroccan Army and Frente POLISARIO units increased their training activities, until early December 2000 when observance of the holy month of Ramadan began.

14. Progress continued in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of mines and unexploded ordnance and the exchange of related information, until late December 2000. During the reporting period, the Royal Moroccan Army and the Frente POLISARIO military forces conducted a total of 13 operations for the disposal of explosives and ammunition and marked 28 sites of mines and unexploded ordnance.

15. Such progress, however, cannot be reported after late December 2000, in view of the developments described in paragraphs 3 and 4 above. On 31 December 2000, Frente POLISARIO liaison officers advised MINURSO military observers that, effective 1 January 2001, they would not be allowed within 800 metres of Frente POLISARIO unit locations. On 17 January, a statement was issued by the Frente POLISARIO imposing restrictions on the freedom of movement of MINURSO air and ground reconnaissance patrols. At the same time, since 3 January 2001, all Frente POLISARIO units have deployed outside of their confinement locations without prior notification to MINURSO. Such redeployment without prior notification, as well as restrictions on MINURSO's freedom of movement, are in violation of the military agreements between MINURSO and the two parties pertaining to ceasefire arrangements. These violations were brought to the attention of the Frente POLISARIO, in a letter from the MINURSO Force Commander dated 16 January 2001. At a meeting in the Tindouf area on 31 January, Frente POLISARIO officials confirmed to MINURSO that the restrictions imposed on United Nations military observers could not be lifted. Discussions on the issue are continuing at the technical level.

16. On 6 January, the MINURSO Force Commander received a letter from the Frente POLISARIO claiming that a Royal Moroccan Army unit had penetrated the same day into the buffer zone (a 5-km strip from the berm), thus violating the military agreements between MINURSO and the parties pertaining to the ceasefire. The Royal Moroccan Army rejected the allegation, and later MINURSO investigations could not confirm these allegations.

F. Civilian police aspects

17. The current strength of the civilian police component of MINURSO stands at 47 officers, under the command of Inspector General Om Prakash Rathor (India). The civilian police officers continue to protect files and sensitive materials at the Identification Commission centres at Laayoune and Tindouf and to undertake training and planning for possible future activities. In that respect, MINURSO civilian police officers underwent briefings by the liaison office of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Laayoune on the protection content of voluntary repatriation and on international instruments concerning refugees.

G. Preparatory work for the repatriation of Saharan refugees

18. During the reporting period, UNHCR continued to carry out its mandated responsibilities for the Saharan refugees in the Tindouf camps in Algeria. Based on the results obtained from the pre-registration and refugee needs assessment exercise, in providing assistance UNHCR pays special attention to the

vulnerable groups, including women and children. UNHCR also continued to consult and cooperate with my Special Representative and MINURSO components regarding the UNHCR role, as foreseen in the United Nations settlement plan.

19. At the initiative of the World Food Programme (WFP) office in Algeria, a group of representatives from the international donor community in Algiers undertook a familiarization visit to the refugee camps in Tindouf from 9 to 11 February 2001, to observe the international relief efforts of humanitarian agencies, including UNHCR, WFP, ECHO and several non-governmental organizations. The group met with refugees and their leadership and discussed with the relief agencies ways of ascertaining food and non-food assistance needs. The group also visited the humanitarian projects being carried out in the camps, in agriculture, education, health, income-generation and vocational training, with special focus on projects and activities benefiting vulnerable refugees, in particular women and children.

III. Financial aspects

20. As indicated in my previous report to the Security Council (S/2000/1029, para. 26), the General Assembly, by its resolution 54/268 of 15 June 2000, appropriated the amount of US$ 49.3 million, equivalent to a monthly rate of some $4.1 million, for the maintenance of MINURSO for the period from 1 July 2000 to 30 June 2001. Therefore, should the Security Council approve my recommendations contained in paragraph 23 below with regard to the extension of the mandate of MINURSO, the cost of maintaining the Mission will be within the monthly rate approved by the General Assembly. As at 31 January 2001, unpaid assessed contributions to the Special Account for MINURSO amounted to $94.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,652.4 million.

IV. Observations and recommendations

21. As the events described in paragraphs 3 to 6 above show, the period since my last report has witnessed a deterioration in the relations between the two parties. Although at the last minute the Frente POLISARIO decided not to act on its threat to resume hostilities, a climate of increased mistrust and bitterness has set in between the parties and this is undermining the agreed ceasefire regime.

22. Regrettably, I cannot report any progress towards overcoming the obstacles to the implementation of the settlement plan, or towards determining whether the Government of Morocco, as administrative Power in Western Sahara, is prepared to offer or support some devolution of authority for all inhabitants and former inhabitants of the Territory that is genuine, substantial and in keeping with international norms. The only positive development during the period has been the decision by the Frente POLISARIO, on 14 December 2000, in keeping with a prior commitment to my Personal Envoy, to release 201 Moroccan prisoners of war on humanitarian grounds. I wish to express my deep appreciation to the Frente POLISARIO for this gesture and my gratitude to the International Committee of the Red Cross and all those who assisted in facilitating the repatriation.

23. My Personal Envoy has recommended to me that the mandate of MINURSO be extended for a period of two months, until 30 April 2001, in order to see whether the Government of Morocco is prepared to offer or support some devolution of governmental authority as described above. Failing such offer or support, MINURSO will be directed to begin hearing the pending appeals from the identification process on an expedited basis, without regard as to how long it might be expected to take to complete them. My Personal Envoy has also advised me that this is the last request that he will support for a mandate extension to provide time to determine if the Government of Morocco is prepared to offer or support some devolution of authority as described above. I share the views of my Personal Envoy as expressed above and recommend that the Security Council extend the mandate of MINURSO for a period of two months until 30 April 2001.

Annex I

Appeals received by area of filing and by category

Location	*Against exclusion*	*Against inclusion*	*Total*	*Percentage*
Territory	32 789	11 886	44 675	34.1
Morocco	80 124	23	80 147	61.1
Tindouf	1 822	3 484	5 306	4.1
Mauritania	910	0	910	0.7
Total	**115 645**	**15 393**	**131 038**	**100.0**

Annex II

United Nations Mission for the Referendum in Western Sahara: contributions as at 20 February 2001

	Military observers	*Troops*	*Civilian police*	*Total*
Argentina	1			1
Austria	4			4
Bangladesh	6			6
Belgium	1*			1
China	16			16
Egypt	18			18
El Salvador	2			2
France	25			25
Ghana	6	7	1	14
Greece	1			1
Guinea	3			3
Honduras	12			12
Hungary	6		1	7
Ireland	3			3
India			10	10
Italy	5			5
Jordan			9	9
Kenya	8			8
Malaysia	13			13
Nigeria	5		9	14
Norway			2	2
Pakistan	6			6
Poland	5			5
Portugal	4		9	13
Republic of Korea		20		20
Russian Federation	25			25
Senegal			5	5
Sweden			1	1
Uruguay	13			13
United States of America	15			15
Total	**203**	**27**	**47****	**277**

* Force Commander.

** Authorized strength is 81.

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